

**Authorization to Occupy Before Permit Final / Temporary
Certificate of Occupancy: Commercial / Industrial Projects**

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CODE REQUIREMENTS

If the Building Official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a Temporary Certificate of Occupancy (TCO) may be issued prior to the completion of the entire building or structure.

All required final inspections must have been attempted, although not necessarily passed, before you can apply for temporary occupancy. Copies of the inspection results and a copy of **both** sides of the inspection card **must** be included in your submittal package. This includes all Building, Plumbing, Mechanical, Electrical, Fire Sprinkler, Fire Alarm and Fire Architectural inspections. Failure to include all the necessary paperwork will result in delays in your request.

APPLICANT PROCEDURE

Fire Department or Building Division have outstanding issues

If any permit associated with the project, except the Building Final, has not been signed, then the applicant must file a written request (see attached sample letter) addressed to the Division Manager, Inspection Services for a Temporary C of O. It must be typed on official letterhead, and signed by both the Business Owner and Construction Company. Allow **24-72 hours of processing time** for such a request and include the following details:

- 1) Name and address of the project.
- 2) Building Permit Number and Project Plan Check Number.
- 3) Number of days requested for the Temporary C of O.
- 4) Effective date, ending date.
- 5) The reason for needing occupancy prior to final inspection.
- 6) The request **must** include, in the body of the letter, a detailed, item-by-item status of all inspections that have been disapproved as well as a list of all items that have not been completed. For projects that requires sub-trade permits, copies of the final inspection notices or Temporary C of O inspections of the sub-trades (Plumbing, Mechanical, Electrical) must be **attached**. Permits for the shell building must be included as well.
- 7) The applicants must stipulate in their request that they agree to maintain the conditions stipulated in their request for partial occupancy for the duration of construction on the site. They must agree that if they fail to obtain a full Certificate of Occupancy for the entire building, they will vacate the premises and terminate all temporary occupancy until successfully obtaining a full Certificate of Occupancy for the Building.

- I. **A processing fee of \$412.00 is assessed for each application and for any renewals, to be paid at the time of submittal. If you do not have a Fire Department Final an additional \$404.00 will be required at submittal for Fire inspection. Temporary occupancy may be granted for any reasonable time period but be prepared to explain why the time is needed. Each request will be judged on a case-by-case basis.**
- II. The City needs the **original** letter with both signatures prior to issuance of a Temporary C of O.

All Inspections approved except Building

If the Fire Department has signed the **Fire Final** on the Permit Card and **all** other inspections are approved for a Final then occupancy may be granted by the Building Inspector. If you think you may be able to get temporary occupancy from the Building Inspector, call the Field Coordinator first to get this approved. The Field Coordinator's number is at the top right hand corner of your inspection slip. You will need to provide a letter, just like in the above example, signed by the Owner and the Contractor. Present the letter to the Inspector at the beginning of your inspection. It will then be OK to occupy the building subject to the written conditions. Request inspection code #946 (Temporary Occupancy) when requesting the inspection. The Inspector will spell out the requirements and limitations applicable to your temporary occupancy on the inspection slip and give you a copy. The Field Inspector will bring the original letter back to the office and present it to the Building Inspection Manager.

ADMINISTRATIVE PROCEDURES

Once the Building Division and the Fire Department recommend issuance of a Temporary C of O, then the Request for Temporary Occupancy will be reviewed by the Division Manager, Inspection Services. If the Division Manager approves the request, acknowledgment of such an approval will be endorsed on the Temporary Occupancy Request letter and a copy of the same will be faxed to the applicant. This endorsement on the face of the temporary request will constitute a temporary certificate of occupancy. No occupancy of the building shall occur until it is authorized in writing by the Building Division and the copy is available at the site.

CLERICAL PROCEDURES

- 1) Fax a copy of the approved Temporary C of O letter to the applicant.
- 2) Send the approved letter and attachments to the Imaging Section to be filed with the Building Permit.
- 3) Monitor expiration date of the Temporary C of O and advise the Division Manager, Inspection Services when a TCO expires.

(letter must be on company letterhead)

SAMPLE LETTER

(Date) _____

City of San Jose
Dept. of Planning, Building & Code Enforcement
Building Division, 2nd Floor
200 East Santa Clara Street
San Jose, CA 95113

Attn: Division Manager, Inspection Services

Re: (Business Name) _____ (Bldg Permit #) _____
(Address) _____ (Plan Check #) _____

We request that Temporary Occupancy be granted at the above noted business location to be in effect on _____ (Effective Date) _____ and expire at 12:00 noon on _____ (Ending Date) _____.

The reason we need Temporary Occupancy is.....

We acknowledge that the following list of items is yet to be completed or corrected:

A) Building/Plumbing/Mechanical/Electrical

- 1.
- 2.
- 3.

B) Fire

- 1.
- 2.
- 3.

(The following must be on the letter)

Prior to the expiration of the Temporary Occupancy, we will schedule inspections to insure that all issues as stated in the above list are resolved to the full satisfaction of both the Building and Fire Department. However, if we fail to comply by the expiration date, we will cease all occupancy and vacate the premises until the building is brought under full compliance.

(Signature of Business Owner)

(Print Signature Name)

(Title)

(Business Name)

(Phone #)

(Fax #)

(Signature of Construction Company)

(Print Signature Name)

(Title)

(Business Name)

(Phone #)

(Fax #)